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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,646	09/25/2003	Jean Lassaux	Q77373	5583
<div>23373 7590 08/28/2007</div> <div>SUGHRUE MION, PLLC</div> <div>2100 PENNSYLVANIA AVENUE, N.W.</div> <div>SUITE 800</div> <div>WASHINGTON, DC 20037</div>				
<div>EXAMINER</div> <div>WILSON, ROBERT W</div>				
<div>ART UNIT PAPER NUMBER</div> <div>2616</div>				
<div>MAIL DATE DELIVERY MODE</div> <div>08/28/2007 PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/669,646

Applicant(s)

LASSAUX ET AL.

Examiner

Robert W. Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 11, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 11, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/25/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/25/03</u> | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The disclosure is objected to because of the following informalities: The specification needs to be updated to describe the status of related copending application 10/6669647 and Patent No.: 6,674,747. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 9, 11, & 19-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to claim 9, Fig 4 and Pg 4 lines 14 to 20 are the written description for this claim. The router is described as an "optional router" in the specification and "in a virtual circuit that corresponding to the Internet service provider" is not described in either the original claims nor in the specification; thus, claim 9 is rejected because the claim has new matter which was not contained in the original claims nor is it written in the specification. Because the router is "optional" in the specification, it does not seem reasonable that the applicant can make the router mandatory in the claim language?

Referring to claim 11, the "virtual circuit that corresponding to the Internet service provider" is not described in the original claims nor is described in the specification; thus, claim 10 is rejected because the claim has new matter which was not contained in the original claim nor is it written in the specification.

Referring to claims 19 & 20, there is inadequate written description for the first sync bus coupled to a first bus and second sync bus coupled to the 2nd bus. There is inadequate written description for the bus interface unit to be connected to the 4 buses. The specification does not even describe a bus interface unit. The Figures and drawings describe a bus arbitration. The bus arbitration is connected to two buses b1 and b2 and not coupled to four buses.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of “virtual circuit that corresponds to the Internet Service provider” and “Internet router” which should be mandatory and not optional in claim 9; “virtual circuit that corresponds to the Internet Service provider” in claim 11, “first synchronous bus”, “2nd synchronous bus”, “first bus”, “second bus”, first carrier detect and collision resolution connected to the first and second bus” as claimed in claims 19 & 20; there also is no drawing showing the controller or first means for concentrating or process as well as the second means for receiving instructions or processor for receiving an instruction” in the Figures as claimed in claim 19 & 20 respectively. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 19-20 are objected to because of the following informalities:

Referring to claims 19-20; the examiner objects to the usage of “n” in claims 19 & 20 without defining the range of “n” in the claim language. Appropriate correction is required.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re*

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Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claim 9 & 11 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 8 of copending Application No. 10/669,646.

Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Referring to claim 9 of the instant application, claim 8 of Copending Application No. 10/669,646 teaches a switch matrix (switch matrix) and call processor means for controlling the switch matrix for passing through data on a virtual circuit to an Internet router on a virtual circuit (matrix controlled)

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Claim 9 of Copending Application No. 10/669,646 teaches the additional limitation of a call control processor means

Although conflicting claims are not identical they are not patentably distinct from each other because the instant application merely broad ends the scope of the claim. It would have been obvious to one of ordinary skill in the art at the time of the invention to delete the additional limitation.

Referring to claim 11 of the instant application, claim 10 of Copending Application No. 10/669,646 teaches a switch matrix (switch matrix) and call processor means for controlling the switch matrix for passing through data on a virtual circuit to an Internet router on a virtual circuit (matrix controlled) and plurality of modems

Claim 10 of Application No. 10/669,646 teaches the additional limitation of a call control processor means

Although conflicting claims are not identical they are not patentably distinct from each other because the instant application merely broad ends the scope of the claim. It would have been obvious to one of ordinary skill in the art at the time of the invention to delete the additional limitation.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 9 & 11 are rejected under 35 U.S.C. 102(E) as being anticipated by Dunn (U.S. Patent No.: 6,072,793)

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Referring to claim 9, Dunn teaches: a subscriber unit connected to a data transmission network (Fig 1) the subscriber unit comprising:

A switch matrix (NETWORK (7 per Fig 1) is a 1AESS which has inherent switch matrix per col. 2 line 51)

An Internet router (ISP1 is connected to LAN (25 per Fig 1) via an inherent Router) wherein the matrix can be controlled so that called to an Internet service provider pass through the Internet router in a virtual circuit that corresponds to the Internet service provider (The CONTROLLER (7 per Fig 1) or call processor receives a request for calls to be directed to an Internet Service Provider either ISP1 or ISP2 through the inherent Internet Router connected to the LAN (25 per Fig 1) to either ISP1 or ISP2. The connection to ISP1 shown in Figure 1 is a virtual circuit and per col. 2 lines 43 to col. 4 line 6)

Referring to claim 11, Dunn teaches: a subscriber unit connected to a data transmission network (Fig 1) the subscriber unit comprising:

A switch matrix (NETWORK (7 per Fig 1) is a 1AESS which has inherent switch matrix per col. 2 line 51)

A plurality of modems wherein the switch matrix can be controlled so that calls set up between analog subscriber terminals and an Internet service provider pass through the modes in a virtual circuit that corresponds to the Inter service provider (The CONTROLLER controls the NETWORK (7) or switch matrix so that the calls are setup between the inherent analog subscriber terminals and an ISP1 through the modem back or modes over a virtual circuit which is connected to the ISP1 or Internet Service provider per Fig 1)

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075.

The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571/272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert W Wilson
Examiner
Art Unit 2616

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